

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

OCTOBER 13, 1999

IN RE:

**PETITION OF FRONTIER TELEMAGEMENT,
INC. FOR APPROVAL OF AN INTRALATA TOLL
DIALING PARITY PLAN**

DOCKET NO. 99-00597

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on September 14, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Frontier Telemanagement, Inc., for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

✓ **FILE**

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Frontier Telemanagement, Inc. is operating pursuant to Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, the petitioner is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in Tennessee where service is provided.⁴ This

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll

plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Frontier Telemanagement, Inc. filed an intraLATA toll dialing parity plan on August 13, 1999 with an amendment on September 1, 1999. The amended Plan, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the September 14, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; and customer notification/education procedures. The Directors unanimously voted to approve the Frontier Telemanagement Inc. intraLATA toll dialing parity implementation plan as amended, with the requirement that the petitioner comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of Frontier Telemanagement Inc. for implementation of intraLATA toll dialing parity, a copy of which is attached as Exhibit A, is hereby approved and incorporated in this Order as if fully rewritten herein;

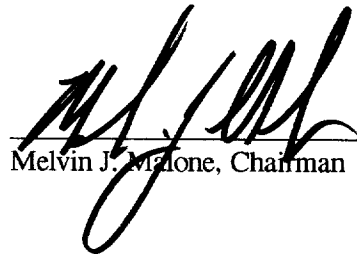
dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333 released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

2. Frontier Telemanagement Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.



Melvin J. Malone, Chairman



H. Lynn Greer, Jr., Director



Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary

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REGULATORY AUTH.

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FRONTIER TELEMAGEMENT INC.

SEP 1 1999

IntraLATA Toll Dialing Parity PlanTN REGULATORY AUTHORITY
TELECOMMUNICATIONS DIVISIONTennessee Regulatory Authority

99-00597

Frontier Telemanagement Inc. ("Frontier" or the "Company") hereby provides an IntraLATA Toll Dialing Parity Plan in response to the Tennessee Regulatory Authority (TRA) letter of April 29, 1999.

I. OBJECTIVE/PURPOSE

The intent of the Plan is to permit Frontier's customers to route intraLATA toll calls automatically, without the use of access codes, to the IntraLATA Service Provider ("ILSP") of the customer's choice.

As a non-facility-based local reseller, Frontier does not provide local exchange services through its own facilities but resells the services of an underlying Local Exchange Carrier (LEC). Frontier's implementation of an IntraLATA Toll Dialing Parity Plan is therefore necessarily contingent upon the provision of such a service to Frontier through the switches of the underlying LEC.

II. IMPLEMENTATION SCHEDULE

Frontier has already begun providing toll dialing parity for intraLATA toll calls. Frontier's customers may choose any ILSP that has established itself as an access customer of Frontier's underlying LEC.

III. CARRIER SELECTION PROCEDURES

Frontier has implemented a full 2-PIC carrier selection methodology. With the full 2-PIC methodology, customers are able to presubscribe to one telecommunications carrier for interLATA toll calls and to presubscribe to the same or a different ILSP for intraLATA toll calls.

Processes have been established to provide new customers with an opportunity to choose their intraLATA toll carrier. Company employees who communicate with the public, accept orders and serve in customer service capacities have been trained to explain to customers the availability of 2-PIC equal access, and to assist customers in making an initial PIC choice or in changing a PIC choice for intraLATA and interLATA toll calls. As part of this process, Frontier acts as the interface between the customer and Frontier's underlying LEC who must implement the actual presubscription changes requested by the customer.

IV. NEW CUSTOMERS

If requested by the customer, Frontier will provide a list of ILSP's that are maintaining the necessary access relationship with Frontier's underlying LEC. This list of ILSPs is

presented in a competitively neutral manner. New customers who do not make a choice for an intraLATA toll carrier are identified within Frontier's underlying LEC's systems as "no-PIC" and do not automatically default to any carrier. New customers identified as "no-PIC" are required to dial the access code of an ILSP to place intraLATA toll calls until they make an affirmative choice for an ILSP.

V. EXISTING CUSTOMERS

Existing Frontier customers may opt to be presubscribed to any ILSP that is an access customer of Frontier's underlying LEC. When toll dialing parity was introduced by Frontier, the Company's few existing customers were manually notified of the availability of toll dialing parity.

VI. INITIAL PIC REQUEST

A Frontier customer's initial intraLATA PIC request is made at no charge to the customer. After the initial PIC, Frontier bills a customer an intraLATA PIC change charge of \$10.00 per line.

VII. CARRIER NOTIFICATION

Frontier has forwarded to its underlying LECs the information necessary to permit Frontier's customers to select the ILSP of their choice.